

### **REMARKS**

In response to the Office Action dated November 7, 2006, Applicants respectfully request reconsideration based on the attached amendment and the following remarks. Applicants respectfully submit that the claims as presented herein are in condition for allowance.

The Examiner acknowledges the election without traverse of species 1 corresponding to claims 1-9 in response to the previous Restriction Requirement. Claims 1-16 are pending in the present application; claims 10-16 have been withdrawn, leaving claims 1-9 for further consideration.

The Examiner has indicated that claims 3 and 7 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants cordially thank the Examiner for indication of the allowable subject matter. Accordingly, claims 1, 2 and 6 have been canceled, claims 3-5 and 7-9 have been amended, and claims 17 and 18 are new. No new matter has been added by the amendment. Applicants respectfully request reconsideration of claims 3-5, 7-9, 17 and 18 based on the amendment and the following remarks.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-2, 5-6 and 9 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee et al. (U.S. Patent Application Publication No. 2003/0142978, additionally numbered PCT/US03/01782, hereinafter "Lee"). The Examiner states that Lee discloses all of the elements of the abovementioned claims except, *means to the subscribers being called ONU's*, which the Examiner further states is well known and would have been obvious to one of ordinary skill in the art. Applicants respectfully traverse for at least the reasons set forth below.

Regarding claims 1, 2 and 6, these claims have been canceled rendering any rejection thereto moot.

Regarding claims 5 and 9, allowable claims 3 and 7, from which claims 5 and 9 depend, respectfully, have each been rewritten in independent form. Therefore, claims 5 and 9 define over Lee as admitted by the Examiner.

Accordingly, it is respectfully requested that the rejection to claims 1-2, 5-6 and 9 under § 103(a) be withdrawn and allow the same to issue.

Claims 1-2 and 5-6 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Fussganger et al. (U.S. Patent No. 4,957,339, hereinafter "Fussganger"). The Examiner states that Fussganger discloses all of the elements of the abovementioned claims except, *means to the subscribers being called ONU's*, which the Examiner further states is well known and would have been obvious to one of ordinary skill in the art. Applicants respectfully traverse for at least the reasons set forth below.

Regarding claims 1, 2 and 6, these claims have been canceled rendering any rejection thereto moot.

Regarding claim 5, allowable claim 3, from which claim 5 depends, has been rewritten in independent form. Therefore, claim 5 defines over Fussganger as admitted by the Examiner.

Accordingly, it is respectfully requested that the rejection to claims 1-2 and 5-6 under § 103(a) be withdrawn and allow the same to issue.

Claims 4-8 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee or Fussganger further in view of Pinnow et al. (U.S. Patent No. 4,491,983, hereinafter "Pinnow"). The Examiner states that Lee and Fussganger disclose all of the elements of the abovementioned claims except, *sending different wavelength or the same wavelength to subscribers*, which the Examiner further states is disclosed primarily in FIGS. 4 and 5 of Pinnow. Applicants respectfully traverse for at least the reasons set forth below.

Regarding claim 6, this claim has been canceled rendering any rejection thereto moot.

Regarding claims 4, 5 and 8, allowable claims 3 and 7, from which claims 4-5 and 8 depend, respectfully, have each been rewritten in independent form. Therefore, claims 4, 5 and 8 define over Lee or Fussganger in view of Pinnow as admitted by the Examiner.

Accordingly, it is respectfully requested that the rejection to claims 4-8 under § 103(a) be withdrawn and allow the same to issue.

**New Claims**

New claims 17 and 18 parallel the subject matter of claims 5 and 9, respectfully, but for their dependency on amended independent claim 7 instead of amended independent claim 3. No new matter has been added.

**Conclusion**

In view of the foregoing remarks distinguishing the prior art of record, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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